

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

MICHAEL DONALDSON,	)	
	)	
Plaintiff,	)	Case No: 3-18-cv-00097
	)	
v.	)	
	)	
TRAE FUELS, LLC, et al.,	)	
	)	
Defendants.	)	

**PLAINTIFF'S OBJECTIONS TO DEFENDANT'S PRE-TRIAL DISCLOSURES**

Plaintiff, Michael Donaldson, through undersigned counsel, hereby respectfully submits the following list of objections to Defendants' Rule 26(a)(3) disclosures.

**OBJECTIONS TO TRIAL EXHIBITS**

These objections reflect the present status of the above-captioned matter. As such, by not objecting to certain exhibits on the ground of relevance or foundation, Plaintiff does not waive any such objection based on the use of any exhibit because of developments at trial.

Several of these objections are objections only to the introduction and admission of the exhibit as affirmative evidence, and as such, Plaintiff reserves the right to use any exhibit, whether listed or not, as impeachment or rebuttal exhibits, if necessary.

Plaintiff reserves the right to waive any of these objections, interpose objections based on authenticity, foundation, and, depending on usage, hearsay, and to add to these objections based on any ruling this Court might enter. Plaintiff also reserves the right to amend these objections

should further developments warrant (including, but not limited to, if Defendant submits a revised exhibit list).

<b>Exhibit Number</b>	<b>Defendant's Description</b>	<b>Objection</b>
1	Email Exchanges 1/31/14	Relevance (401), Hearsay (802)
2	Email Exchanges 1/3/14	Relevance (401), Hearsay (802)
3	Email Exchanges 2/24/14	Relevance (401), Hearsay (802)
4	Mills/Donaldson Emails 3/17/14	Relevance (401), Hearsay (802)
5	Mills/Donaldson Email 3/20/14	Relevance (401)
6	Email Exchanges 4/1/14	Relevance (401); Hearsay (802)
7	Email Exchanges 4/13/14	Relevance (401); Hearsay (802)
8	Email Exchanges 5/8/14	Relevance (401); Hearsay (802)
9	Email Exchanges 5/8/14	Relevance (401)
10	Donaldson Email 6/3/14	Relevance (401)
11	LaRocco Email 6/5/14	Hearsay (802)
12	Email Exchanges and Employee Counseling Notice 6/14/14	Relevance (401); Hearsay (802)
13	LaRocco Email 6/8/14	Relevance (401)
14	Donaldson Email 6/8/14	Relevance (401)
15	Email Exchanges 6/9/14	Relevance (401)
16	Email Exchanges 6/17/14	Relevance (401); Hearsay (802)
17	Letter Re Capital Call 6/18/14	Plaintiff objects to the extent that Defendant violated FRCP 26 and 37 by failing to disclose this document in discovery. FRCP 37 prohibits use of documents not disclosed during discovery. <i>See also</i> FRCP 26(a)(1)(A)(ii) (requiring disclosure of all documents that a party may use to support its claims).
18	LaRocco Email 6/21/14	Hearsay (802)
19	Email Re Capital Call 6/23/14	Plaintiff objects to the extent that Defendant violated FRCP 26 and 37 by failing to disclose this document in discovery. FRCP 37

		prohibits use of documents not disclosed during discovery. <i>See also</i> FRCP 26(a)(1)(A)(ii) (requiring disclosure of all documents that a party may use to support its claims).
20	LaRocco Email and Performance Observations 6/26/14	Hearsay (802); Authenticity
21	Email Exchanges 7/16/14	Hearsay (802); Relevance (401)
22	Aleman Handwritten Notes 7/27/14	Authenticity
23	Whyrick Email 7/17/14	Relevance (401); Hearsay (802)
24	Email Exchanges 8/4/14	Relevance (401); Hearsay (802)
25	Whyrick Observations Re Donaldson 7/3/14	Authenticity; Hearsay (802)
26	Mills: Michael Donaldson Report	Authenticity; Hearsay (802)
27	Email Exchanges 8/6-8/7/14	Relevance (401)
28	Donaldson Email 8/17/14	Relevance (401); Hearsay (802)
29	Plaintiff's Complaint	No objection.
30	Plaintiff's Supplemental Objections and Responses to Defendants' Interrogatories	No objection.
31	Defendants May Introduce Any Exhibit Attached to Plaintiff's Opposition to Summary Judgment	Plaintiff objects that Defendant has failed to comply with the Court's Order requiring the parties to identify each exhibit it intends to introduce at trial.
32	Defendants May Introduce Any Exhibit Identified on Plaintiff's Exhibit List	
33	Unemployment Statistics from the U.S. Department of Labor, Bureau of Labor Statistics: National, State, County	Relevance (401), Hearsay (802), Authenticity  Plaintiff objects to the extent that Defendant violated FRCP 26 and 37 by failing to disclose this document in discovery. FRCP 37 prohibits use of documents not disclosed during discovery. <i>See also</i> FRCP 26(a)(1)(A)(ii) (requiring disclosure of all documents

that a party may use to  
support its claims).

Dated: December 3, 2019

Alan Lescht and Associates, PC

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 3, 2019, I filed the foregoing on the Clerk of Court  
using CM/ECF, which served notice on:

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Respectfully Submitted,

/s/Jack Jarrett

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